

Statement of Rep. Henry A. Waxman  
November 22, 1999

Today, I am releasing a report by my staff that investigates nursing home conditions in Los Angeles. What we found is not good news: many nursing homes in Los Angeles are violating the minimum federal standards for adequate care and endangering the health of their residents.

Twelve years ago, I authored the Nursing Home Reform Act. This law established minimum federal standards for caring for some of our most vulnerable citizens -- the elderly and disabled who live in nursing homes. This law and the regulations that implement it require that nursing homes "provide services and activities to attain or maintain the highest practicable physical, mental, and psychosocial well-being of residents." Under the law, nursing homes must ensure that residents are properly cleaned and fed; that they receive appropriate medical care; that they don't get bed sores; and that they are free from improper physical and chemical restraints.

Twelve years ago, when this landmark law was passed, conditions in many nursing homes around the country were abysmal. The law was designed to change this, so that seniors in nursing homes could live out their lives with dignity.

I asked my staff to investigate whether nursing homes in Los Angeles are currently complying with these legal requirements. We learned that there has been progress in some areas. The improper use of straps and drugs to subdue seniors has diminished since Congress passed the 1987 law.

But we also learned that much, much more needs to be done to protect the 30,000 seniors and disabled Americans living in nursing homes in Los Angeles. We found that the vast majority of nursing homes in Los Angeles are violating federal health and safety standards. In fact, only 12 of the 400 facilities my staff investigated were in substantial compliance with all federal standards.

The worst problems appeared in the homes that were found by state inspectors to be causing actual harm to residents. According to the federal and state files that my staff reviewed, 19% of Los Angeles nursing homes -- approximately one out of every five -- was cited for causing actual harm to their residents in their most recent state inspections. Over 8,000 vulnerable elderly citizens -- our parents, grandparents, and loved ones -- live in these homes.

The health and safety violations in these facilities are serious ones. In one home, over 60 residents were found by state inspectors with bed sores. In another home, state inspectors observed a resident being bathed in water contaminated with feces. In a third home, state inspectors found a resident crying and grimacing in pain. When they investigated, they learned that she had been denied the pain medication prescribed by her doctor for months.

The violations included failure to properly prevent or treat pressure sores ... preventable accidents, such as dropping residents, that caused broken bones and head lacerations ... unsanitary conditions ... failure to administer proper medical care ... and improper use of physical and

chemical restraints.

The callous attitude that some facilities seem to have toward their residents was captured by an employee of one facility who was asked by state inspectors why the nursing home was storing drinking water for residents in bottles of bleach and fabric softener, contrary to the safety warning on the bottles. The employee said: "Do you know how much bottled water costs?"

These conditions are simply intolerable. Nursing homes have a legal -- and a moral -- obligation to provide adequate care for the vulnerable residents in their care. I will investigate and highlight problems in nursing home care until improvement occurs. And when the Congress reconvenes next year, I will introduce legislation to strengthen enforcement against those homes that are flagrantly violating federal health and safety laws.

Our senior citizens are truly America's greatest generation. They carried us through the Great Depression, fought and won a World War, and have given us the incredible prosperity that we enjoy today. We as a society owe them the opportunity to live out their final days in dignity.